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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 EDDIE JOE BUSH,

8 Plaintiff,

9 v.

10 KATHY BIRDSELL, and Other,
11 Unknown Responsible Department
12 Corrections Employees,

13 Defendant.

NO. CV-08-5063-RHW

**ORDER DENYING MOTIONS
FOR DEFAULT JUDGMENT**

14 Before the Court are Plaintiff's Motion for Default Judgment (Ct. Rec. 17
15 and 24). Also before the Court is Plaintiff's Objection and Motion for the Judge's
16 Correction (Ct. Rec. 14).

17 Plaintiff sought default judgment based on Defendant's failure to file
18 responsive briefing. Since the filing of the motion, Defendant has filed an answer
19 to the Amended Complaint. Moreover, according to the parties, the service issue
20 has been waived. Therefore, Plaintiff's motions are moot.

21 In the Order granting the Motion to Dismiss, the Court stated that Plaintiff
22 was proceeding *pro se* and *in forma pauperis*. This was in error. Plaintiff was not
23 proceeding *in forma pauperis*; rather he paid the \$350.00 filing fee.

24 Accordingly, **IT IS HEREBY ORDERED:**

25 1. Plaintiff's Motion for Default Judgment (Ct. Rec. 17 and 24) is
26 **DENIED**, as moot.

27 2. Plaintiff's Objection and Motion for the Judge's Correction (Ct. Rec. 14)
28 is **GRANTED**.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order and forward copies to Plaintiff and counsel.

DATED this 4th day of March, 2009.

s/Robert H. Whaley

ROBERT H. WHALEY
Chief United States District Judge

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